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**PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510**

In re Application of :
Mareike Klee, et al. : **DECISION ON PETITION**
Application No. 09/483,923 :
Filed: January 18, 2000 :
Attorney Docket No. PHD-99.008 :

This is a decision on the Petition To Withdraw Abandonment Under MPEP § 711.03(c), received in the United States Patent and Trademark Office (USPTO) on January 8, 2002. The undersigned became aware of the petition upon receipt of a duplicate copy on September 23, 2004.

The petition is **DISMISSED**.

Petitioner states that the Issue Fee Transmittal with authorization to charge the Issue Fee to Assignee's Deposit Account was mailed on July 3, 2001.

The Office acknowledges receipt of Part B – Issue Fee Transmittal—present in the application file—on July 5, 2001, as evidence by the “Office Date” stamp thereon. Inspection of the Transmittal reveals that item 4a. And 4b. was not completed.

Petitioner should review the amended rules pertaining to general authorization to pay fees. See 65 FR 54647 September 8, 2000, which states:

As an additional aid to applicants, the rule as proposed has been further amended to include §§ 1.311(b)(1) and (b)(2) that can act as safety mechanisms. Where it is clear that an applicant actually intends to pay the issue fee such as by submitting an incorrect issue fee amount, or completing the issue fee transmittal form provided by the Office with the notice of allowance, a general authorization to pay fee or a specific authorization to pay the issue fee, submitted prior to the mailing of the notice of allowance, will be allowed to act a payment of the correct issue fee.

Also, MPEP 1306, which states in part:

The payment of the issue fee due may be simplified by using a U.S. Patent and Trademark Office Deposit Account or a credit card payment with form, PTO-2038 for such a fee. See MPEP 509. However, any such payment must be specifically authorized by reference to the "issue fee" or "fees due under 37 CFR 1.18."

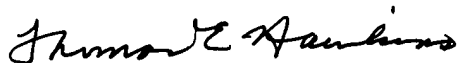
Investigation of the application file reveals a general authorization to charge any additional fees (see paper # 4) was filed January 18, 2000. Unfortunately, the authorization instructs that the issue fee be excluded unless explicitly requested to do so. Since, there is no authorization to charge the issue fee, the holding of abandonment was proper and cannot be withdrawn at this time.

Petitioner should consider filing a Petition for Revival Of Abandoned Application under 37 CFR 1.137 (a) or (b).

Telephone inquiries in regards to filing a petition under 37 CFR § 1.137 should be directed to the Office of Petitions at 703-305-9282 or 9285 or correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Patent Publication at 703-305-8380.



Thomas E. Hawkins
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Office of the Director
Office of Patent Publications